

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ENRIQUE GARCIA, aka Leonardo Preciado, CDCR # K93411,	)	
	)	
Petitioner,	)	No. C 07-1107 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
RICHARD SUBIA, Acting Warden,	)	(Doc # 4)
	)	
Respondent.	)	

Petitioner, a state prisoner currently incarcerated at Mule Creek State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was denied on the merits on February 26, 2001. See Preciado v. Terhune, No. C 00-3538 CRB (PR) (N.D. Cal. Feb. 26, 2001) (order).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.  
SO ORDERED.

DATED: July 27, 2007

  
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CHARLES R. BREYER  
United States District Judge